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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,190	01/31/2001	Robert E. Allen	AUS920010007US1	4500

7590 07/07/2005  
 Robert V. Wilder  
 4235 Kingsburg Drive  
 Round Rock, TX 78681

EXAMINER

OYEBISI, OJO O

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

EA

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/773,190	ALLEN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	OJO O. OYEBISI	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-7, 9, 13-19, 21, 23-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Potter et al (Potter hereinafter: U.S. Patent 5,787,402) in view of Burrus, jr. et al (Burrus hereinafter: U.S Patent 4,716,523).

**Re claim 1:** Potter discloses a method for processing electronic transactions, said method comprising: receiving input by a server terminal from a client device; said electronic transaction requiring a subsequent communication of an occurrence of a subsequent event (i.e., when an order is 3% or 1% away from a target rate, col. 14 lines 10-25) from said server terminal to said client device (col. 14, lines 10-25); establishing a reverse communication channel for directly coupling said server terminal to said client device; disconnecting said server terminal from said client device (i.e., the system automatically withdraws, see abstract); re-connecting said server terminal to said client device (i.e., updates, see col. 14, lines 10-25); and transferring said subsequent communication regarding said subsequent event from said server terminal to said client device (col. 6, lines 9-44). Potter does not explicitly disclose receiving input by a server terminal from a client device over a first communication port, or transferring said subsequent communication regarding said subsequent event from said server terminal

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to said client device over said second communication port. Burrus discloses a dual mode data transfer controller with numerous communication ports that can be individually tailored to support one mode of operation for some ports and another mode of operation for still others (col. 2, lines 14-20, col. 4, lines 25-31, col. 5, lines 28-31).

Thus, since Burrus ports can be configured to support different mode of operations, one of ordinary skill in the art would have modified the device of Potter to include a dual mode data transfer controller with two ports configured to receive data on one and transmit data on another to speed up the delivery rate of transaction messages to a user device.

**Re claim 2:** Potter further discloses a method further including: detecting receipt of said transaction information by said client device; and providing an audio effect by said client device upon detection of receipt of said transaction information (col. 14, lines 14-25).

**Re claim 3:** Potter further discloses a method wherein said audio effect comprises an alert signal effective to alert a client that said transaction information has been received (col. 14, lines 14-25), said client device further including client input means arranged for enabling a client to select specific date and time for receiving audio warnings (col. 13, lines 1-5) but not to select characteristics of audio effect (i.e., one or more tones, voice message). If different audio effect characteristics are desired, one of ordinary skill in the art would have easily written a simple pseudo-code to implement this methodology in Potter's. And it would have also been obvious to one of ordinary skill to simply use the input means of Potter to select the desired characteristics of audio effect to notify or warn the client of important changes in transaction information.

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**Re claim 4-6:** claims 4-6 recite similar limitations to claim 3 and are therefore rejected using the same art and rationale as applied in the rejection of claim 3.

**Re claim 7:** Potter further teaches the method wherein said electronic transaction comprises a purchase of an item by a client using said client device (see abstract).

**Re claim 9:** Potter further discloses the method wherein said client device is a computer system connected to said server terminal (see abstract and col. 6, lines 40-45).

**Re claim 13:** Potter discloses a system for processing electronic transactions, said system comprising: a server terminal; a client device; and means arranged for selectively connecting (i.e., message router, col. 6, lines 40-44) said client device to said server, said server terminal being selectively operable for: receiving input by a server terminal from a client device; said electronic transaction requiring a subsequent communication of an occurrence of a subsequent event (i.e., when an order is 3% or 1% away from a target rate, col. 14 lines 10-25) from said server terminal to said client device (col. 14, lines 10-25); establishing a reverse communication channel for directly coupling said server terminal to said client device; disconnecting said server terminal from said client device (i.e., the system automatically withdraws, see abstract); re-connecting said server terminal to said client device (i.e., updates, see col. 14, lines 10-25); and transferring said subsequent communication regarding said subsequent event from said server terminal to said client device (col. 6, lines 9-44). Potter does not explicitly disclose receiving input by a server terminal from a client device over a first communication port, or transferring said subsequent communication regarding said subsequent event from said server terminal to said client device over said second

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communication port. Burrus discloses a dual mode data transfer controller with numerous communication ports that can be individually tailored to support one mode of operation for some ports and another mode of operation for still others (col. 2, lines 14-20, col. 4, lines 25-31, col. 5, lines 28-31). Thus, since Burrus ports can be configured to support different mode of operations, one of ordinary skill in the art would have modified the device of Potter to include a dual mode data transfer controller with two ports configured to receive data on one and transmit data on another to speed up the delivery rate of transaction messages to a user device.

**Re claim 14:** Potter further discloses the system wherein said client device is selectively operable for: detecting receipt of said transaction information from said server terminal; and providing an audio effect upon detection of receipt of said transaction information (col. 14, lines 14-25).

**Re claim 15:** Potter further discloses a system wherein said audio effect comprises an alert signal effective to alert a client that said transaction information has been received (col. 14, lines 14-25), said client device further including client input means arranged for enabling a client to select specific date and time for receiving audio warnings (col. 13, lines 1-5) but not to select characteristics of audio effect (i.e., one or more tones, voice message). If different audio effect characteristics are desired, one of ordinary skill in the art would have easily written a simple pseudo-code to implement this methodology in Potter's. And it would have also been obvious to one of ordinary skill to simply use the input means of Potter to select the desired characteristics of audio effect to notify or warn the client of important changes in transaction information.

**Re claims 16-18:** claims 16-18 recite similar limitations to claim 15 and are therefore rejected using the same art and rationale as applied in the rejection of claim 15.

**Re claim 19:** Potter further discloses the system wherein said electronic transaction comprises a purchase of an item by a client using said client device (see abstract).

**Re claim 21:** Potter further teaches the system wherein said electronic transaction comprises a purchase of an item by a client using said client device (see abstract).

**Re claim 25, 26, 28:** claims 25, 26, 28 recite similar limitations to claim 13 above and are therefore rejected using the same art and rationale as applied in the rejection of claim 13.

**Re claim 27:** Potter further discloses a client device further including audio means operable to produce an audio effect in response to receipt of said server-related transaction information (col. 14, lines 14-25).

**3. Claims 8, 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Potter in view of Burrus as applied to claims 1 and 13 above, and further in view of Harrington et al (Harrington hereinafter: U.S Patent 6,161,099)

**Re claim 8:** Potter discloses a method for processing electronic transactions. Potter does not explicitly disclose an electronic auction transaction method. Burrus discloses a dual mode data transfer controller with numerous communication ports that can be individually tailored to support one mode of operation for some ports and another mode of operation for still others (col. 2, lines 14-20, col. 4, lines 25-31, col. 5, lines 28-31).

However, Burrus does not disclose an electronic auction transaction method. Harrington

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discloses an electronic auction transaction method wherein bids for an item being auctioned are sent by said client device and received by said server terminal, said server terminal being operable for: receiving bids for said item by said server terminal; determining when a previously received bid is no longer a winning bid; and sending notice that said previously received bid is no longer a winning bid (see Summary of The Invention). Thus, since Burrus ports can be configured to support different mode of operations, and since Harrington device can carry out electronic auction, one of ordinary skill in the art would have implemented Burrus and Harrington in the device of Potter to send to the client device a bidding transaction information via a second communication port.

**Re claim 20:** claim 20 recites similar limitations to claim 8 above and is therefore rejected using the same art and rationale as applied in the rejection of claim 8.

**4. Claims 10-12, 22-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Potter in view of Burrus as applied to claims 1 and 13 above, and further in view of Davis (U.S. Patent 6,041,314).

**Re claim 10:** Potter discloses a method for processing electronic transactions. Potter does not explicitly disclose an electronic transaction method wherein said client device is a wireless device. Burrus discloses a dual mode data transfer controller with numerous communication ports that can be individually tailored to support one mode of operation for some ports and another mode of operation for still others (col. 2, lines 14-20, col. 4, lines 25-31, col. 5, lines 28-31). Burrus does not explicitly disclose an electronic transaction method wherein said client device is a wireless device. Davis



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discloses an electronic transaction method wherein said client device (i.e., subscriber unit or pager, col. 3, lines 15-29) is a wireless device (col. 3, lines 15-29). Thus it would have been obvious to one of ordinary skill in the art to modify Potter to include Burrus and Davis so that financial transactions can be conducted even when an individual/client is mobile.

**Re claim 11:** Potter discloses a method for processing electronic transactions. Potter does not explicitly disclose an electronic transaction method wherein said client device is a cellular device. Burrus discloses a dual mode data transfer controller with numerous communication ports that can be individually tailored to support one mode of operation for some ports and another mode of operation for still others (col. 2, lines 14-20, col. 4, lines 25-31, col. 5, lines 28-31). Burrus does not explicitly disclose an electronic transaction method wherein said client device is a cellular device. Davis discloses an electronic transaction method wherein said client device (i.e., subscriber unit or pager, col. 3, lines 15-29) is a cellular device (col. 19, lines 17-20)). Thus it would have been obvious to one of ordinary skill in the art to modify Potter to include Burrus and Davis so that financial transactions can be conducted even when an individual/client is mobile.

**Re claim 12:** Potter discloses a method for processing electronic transactions. Potter does not explicitly disclose an electronic transaction method wherein said client device is a portable device. Burrus discloses a dual mode data transfer controller with numerous communication ports that can be individually tailored to support one mode of operation for some ports and another mode of operation for still others (col. 2, lines 14-20, col. 4, lines 25-31, col. 5, lines 28-31). Burrus does not explicitly disclose an

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electronic transaction method wherein said client device is a portable device. Davis discloses an electronic transaction method wherein said client device (i.e., subscriber unit or pager, col. 3, lines 15-29) is a portable device (see abstract, Field of The Invention, and col. 13, lines 25-29)). Thus it would have been obvious to one of ordinary skill in the art to modify Potter to include Burrus and Davis to effect financial transactions without physical connection or having to visit a physical ATM/bank.

**Re claim 22:** Potter discloses a system for processing electronic transactions. Potter does not explicitly disclose an electronic transaction system wherein said client device is a wireless device. Burrus discloses a dual mode data transfer controller with numerous communication ports that can be individually tailored to support one mode of operation for some ports and another mode of operation for still others (col. 2, lines 14-20, col. 4, lines 25-31, col. 5, lines 28-31). Burrus does not explicitly disclose an electronic transaction system wherein said client device is a wireless device. Davis discloses an electronic transaction system wherein said client device (i.e., subscriber unit or pager, col. 3, lines 15-29) is a wireless device (col. 3, lines 15-29). Thus it would have been obvious to one of ordinary skill in the art to modify Potter to include Burrus and Davis so that financial transactions can be conducted even when an individual/client is mobile.

**Re claim 23:** Potter discloses a system for processing electronic transactions. Potter does not explicitly disclose an electronic transaction system wherein said client device is a cellular device. Burrus discloses a dual mode data transfer controller with numerous communication ports that can be individually tailored to support one mode of operation

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for some ports and another mode of operation for still others (col. 2, lines 14-20, col. 4, lines 25-31, col. 5, lines 28-31). Burrus does not explicitly disclose an electronic transaction system wherein said client device is a cellular device. Davis discloses an electronic transaction system wherein said client device (i.e., subscriber unit or pager, col. 3, lines 15-29) is a cellular device (col. 19, lines 17-20)). Thus it would have been obvious to one of ordinary skill in the art to modify Potter to include Burrus and Davis so that financial transactions can be conducted even when an individual/client is mobile.

**Re Claim 24:** Potter discloses a system for processing electronic transactions. Potter does not explicitly disclose an electronic transaction system wherein said client device is a portable device. Burrus discloses a dual mode data transfer controller with numerous communication ports that can be individually tailored to support one mode of operation for some ports and another mode of operation for still others (col. 2, lines 14-20, col. 4, lines 25-31, col. 5, lines 28-31). Burrus does not explicitly disclose an electronic transaction system wherein said client device is a portable device. Davis discloses an electronic transaction system wherein said client device (i.e., subscriber unit or pager, col. 3, lines 15-29) is a portable device (see abstract, Field of The Invention, and col. 13, lines 25-29)). Thus it would have been obvious to one of ordinary skill in the art to modify Potter to include Burrus and Davis to effect financial transactions without physical connection or having to visit a physical ATM/bank.

***Response to Arguments***

5. Applicant's arguments filed October 19, 2004 have been fully considered but with respect to the pending claims are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJO O. OYEBISI whose telephone number is (571) 272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

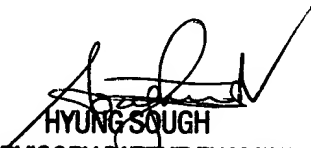
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HYUNG S. SOUGH can be reached on (571)272-6799. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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